

REMARKS

Claims 1-3, 5 and 7-23 are pending in the current Application. Claims 1-3, 5, 7, 8 and 10-12 are allowed. Claim 4 has been canceled. Claims 9 and 12-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,721,412 issued to King et al (King) in view of Patent No. BE 876,855 A issued to Hendriks (Hendriks) and further in view of U.S. Patent No. 4,003,473 issued to Ryan (Ryan). Claims 9 and 20 contained objected to informalities that are addressed herein.

Response to 35 U.S.C §112

Claims 9 and 20 were rejected under 35 U.S.C §112, second paragraph, as being indefinite. Specifically, claims 9 and 20 were objected to for containing a broad range or limitation together with a narrow range or limitation in the same claim. Claims 9 and 20 have been amended to properly claims a Markush group. These amendments were made for purposes of clarity and not for purposes of overcoming prior art. Applicant respectfully submits that these claims are now in condition for allowance.

Response to 35 U.S.C. §103

Claims 13-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Hendriks and Ryan.

Referring to the instant invention, independent claim 13 and the dependent claims thereof are directed to the embodiment shown in Figure 2. Independent claim 13 is directed to a landing stage for an offshore wind power installation. The landing stage includes a mooring location for ships, a landing area for helicopters, and a common route link from the mooring location and the landing area to the installation. The mooring location and the landing area are on a common platform. The landing stage is positioned in relation to prevailing wind direction to be at the location of the wind power installation at the lee side thereof. As noted in the specification on page 6, lines 19-24, the force of wind and sea swell, both against the landing area and also against the mooring location, is broken by the pylon when wind is blowing from the prevailing direction. Additionally, as noted on page 4, lines 8-21, it is advantageous to have the landing stage oriented on the lee side, of which the wind blows, of the wind power

installation, because the air space above the landing stage is then outside the rotational range of the generator propeller (the plane of rotary movement of the generator propeller is perpendicular to the airspace above the landing stage). Furthermore, the helicopter and boats can advantageously come in to land on the landing area against the wind without being impeded by the installation.

King provides no teaching or suggestion of a landing stage positioned in relation to prevailing wind direction. To the contrary, King teaches an offshore escape platform and is silent with respect to wind considerations. Prevailing wind is not a consideration in the King invention because King is directed toward an escape platform for a *drilling platform*. In the instant invention, the landing stage is mounted to an offshore wind power installation whose generator is driven by a rotor that rotates at the tip of a pylon about a horizontal axis. (See page 3, lines 13-17) When the landing stage is oriented on the lee side of the wind power installation, the air space above the landing stage is outside the rotational range of the generator propeller. The drilling platform of King has no generator propellers of concern.

Hendriks does not correct the deficiencies of King. The Examiner cites Hendriks to illustrate a "wind power generating facility with a foundation that is arranged on a seabed." The Examiner concludes that "the arrangement of an escape platform on the lee side of an offshore installation would be considered to be obvious by one of ordinary skill in the art in order to minimize wave and wind action on said escape platform." Applicant respectfully disagrees with the Examiner's position. The instant invention is not simply teaching a wind power facility with a foundation arranged on a seabed. Hendriks does not teach or suggest a landing stage positioned in relation to prevailing wind direction. Further, the Examiner has not provided substantial evidence to support the Examiner's conclusion of common knowledge in the art. Applicant respectfully requests that the Examiner produce the authority for his statement.

Ryan does not correct the deficiencies of King and Hendriks. The Examiner cites Ryan to illustrate an offshore installation "that should be positioned on the lee side of said installation, as described in lines 37-46, column 11" The Examiner further states that it would have been obvious to one of ordinary skill in the art to provide an offshore wind power installation with an escape platform that is positioned on a lee side of said installation, as taught

by Ryan, ... sheltering said escape platform from wind driven wave action.” The applicant respectfully disagrees with the Examiner’s position.

From Ryan it is known to provide an offshore installation with a common route link and an escape platform that should be positioned on the lee side of the installation “considering the greatest percentage of sea currents” (See column 11, lines 44 to 46). Accordingly, even if a person skilled in the art would consider the teachings of King, Hendriks and Ryan, this would not lead to the subject matter of independent claim 13, as the person skilled in the art would arrange the landing stage relative to the prevailing sea current direction. Wind direction does not impact sea currents. Ryan is silent with respect to the prevailing wind direction of a wind power installation. Therefore, the combination of King, Hendricks and Ryan would teach one skilled in the art to arrange the landing stage according to the prevailing sea current direction; the teaching of Ryan is thus actually leading away from the invention as claimed in independent claim 13.

With regard to the rejection of the claims under 35 U.S.C. §103 over King in view of Hendriks and Ryan, King does not provide any suggestion of modifying the landing stage to position a landing stage relative to a prevailing wind direction of the wind power installation, and neither Hendriks nor Ryan correct the deficiencies of King. An analysis under § 103 requires that the Examiner explain why, after assessing the level of those skilled in the art, the skilled artisan would have found the claimed subject matter, as a whole, to have been obvious. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references, and there must be a reasonable expectation of success. MPEP § 706.02(j). The suggestion or motivation to make the claimed combination and a reasonable expectation of success must both be found in the prior art. *Id.* The Examiner cannot rely on hindsight as the basis for combining two references. If the references do not expressly or impliedly suggest the combination, “the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Id.* (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)).

There is no teaching in either the King reference or the Hendriks reference or the Ryan reference with respect to positioning the landing stage relative to a prevailing wind direction of the wind power installation. The Examiner has not provided any references that would suggest that the arrangement of the landing platform relative to a prevailing wind direction of an offshore installation would be obvious. Rather, the Examiner has used impermissible hindsight to conclude obviousness. Further, even if the teachings of King were combined with the teachings of Hendriks and Ryan, the resulting combination would not teach a landing stage relative to a prevailing wind direction of the wind power installation. Thus, claims 13-23 are patentable under §103 over either King or Hendriks or Ryan or the combination of King, Hendriks and Ryan.

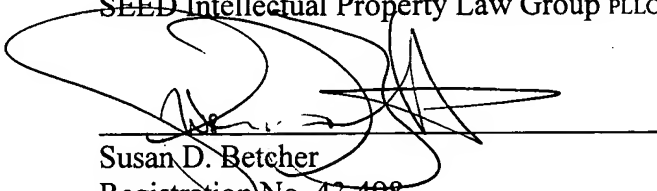
Conclusion

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

In view of the above amendments and remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this Application and timely allow all pending claims. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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